

**South Dakota Department of Agriculture**  
**FY 2017 Inspection File Review Summary**

**Introduction**

EPA appreciates the effort South Dakota Department of Agricultural (SDDA) dedicates to operating an efficient pesticide inspection and enforcement program. EPA also appreciates the good working relationship with SDDA and understands the problems South Dakota has experienced with Dicamba that have put additional stress on the SDDA.

**Results of Review**

For FY 2017, SDDA completed 489 inspections: 17 agricultural use inspections, 83 for cause agricultural use inspections, 16 non-agricultural use inspections, 5 for cause non-agricultural use inspections, 22 for cause worker protection standard inspections, 39 container containment inspections, 15 producer establishment inspections (including container containment inspections), 57 marketplace inspections, 48 restricted use pesticide dealer inspections, 137 bulk pesticide inspections, 2 experimental use permit inspections, and 48 certified applicator records reviewed. Of the 489 inspections, EPA reviewed 40 inspection reports: 15 producer establishment inspections, 5 for cause inspections, 5 marketplace inspections, 5 restricted use pesticide dealer inspection, and 5 use inspections.

The first set of inspection reports reviewed were the producer establishment inspections performed under state and federal authority. EPA sincerely appreciates the additional effort SDDA has dedicated to sending all the inspection reports and associated documentation for their producer establishment inspections. EPA is working to develop patterns and potential problems associated with the pesticide producers in this Region.

The next set of inspections were for cause agricultural use inspections. The first for cause inspection that was reviewed was of (b) (6) located in (b) (6), South Dakota. (b) (6) applied general use pesticides via a ground application method to control broadleaf weeds. Samples were collected; however, it is unclear as to the cause for the inspection. No violations were found. The second for cause inspection that was reviewed was of (b) (6) located in (b) (6), South Dakota. (b) (6) applied a general use pesticide via a ground application method. Again, it appears that samples were collected; however, it was unclear as to what the application was for or what prompted the for cause inspection. No violations were found. The third for cause inspection was of (b) (6) located in (b) (6), South Dakota. (b) (6) applied a general use pesticide via a ground application method to control broadleaf weeds. Samples were collected and for this inspection as it was a follow up on a pesticide complaint received by SDDA and has a case number associated. The fourth for cause inspection was of (b) (6) located in (b) (6), South Dakota. (b) (6) applied a general use pesticide via a ground application method to control weeds and grass. It appears that no samples were collected for this inspection and no violations were listed on the report. It is unclear as to what the cause was for this inspection. The last for cause inspection report that was reviewed was of (b) (6) located in (b) (6), South Dakota. (b) (6) applied general use pesticides via a

ground application method to control broadleaf and grasses. Samples were collected; however, it is unclear as to the cause for the inspection. No violations were found.

EPA reviewed five market place inspections. The first marketplace inspection that was reviewed was of (b) (6) located in (b) (6), South Dakota. It appears that two pesticide samples were taken, pesticide registration numbers were verified, and labels, storage/handling and invoice records were reviewed. No corrective action was discussed or taken. The second marketplace inspection that was reviewed was of (b) (6) located in (b) (6), South Dakota. It appears that pesticide registration numbers were verified, and labels, storage/handling and invoice records were reviewed. No corrective action was discussed or taken. The third marketplace inspection that was reviewed was of (b) (6) located in (b) (6), South Dakota. It appears that pesticide registration numbers were verified, and labels, storage/handling and invoice records were reviewed. No corrective action was discussed or taken. The fourth marketplace inspection that was reviewed was of (b) (6) located in (b) (6), South Dakota. Again, it appears that pesticide registration numbers were verified, and labels, storage/handling and invoice records were reviewed. No corrective action was discussed or taken. The last marketplace inspection that was reviewed was of (b) (6) located in (b) (6), South Dakota. It appears that pesticide registration numbers were verified, and labels, storage/handling and invoice records were reviewed. No corrective action was discussed or taken. The reports for these inspections are very vague and additional information would be helpful. For example, the number of pesticide products reviewed, what those products were, if there were 25b exempt products, etc. Thorough marketplace inspections are essential for keeping illegal pesticide products off the market.

EPA also reviewed five RUP dealer inspections. The first RUP dealer inspection that was reviewed was of (b) (6) located in (b) (6), South Dakota. It appears that they are a licensed dealer and that all the documentation is readily available and in compliance. The second RUP dealer inspection that was reviewed was of (b) (6). No notice of inspection or address was listed on the paperwork, but a license number was provided. It appears that they are a licensed dealer and that all the documentation is readily available and in compliance. The third RUP dealer inspection that was reviewed was of (b) (6). No notice of inspection or address was listed on the paperwork, but a license number was provided. It appears that they are a licensed dealer and that all the documentation is readily available and the facility appears to be in compliance. The fourth RUP dealer inspection that was reviewed was of (b) (6) located in (b) (6), South Dakota. It appears that they are a licensed dealer and that all the documentation is readily available and in compliance. The last RUP dealer inspection that was reviewed was of (b) (6) located in (b) (6), South Dakota. It appears that they are a licensed dealer and that all the documentation is readily available and in compliance. The reports for these inspections are very vague and additional information would be helpful. For example, the number of pesticide products reviewed and what those products were would be helpful. Thorough RUP dealer inspections are essential for keeping highly toxic pesticides out of the general population.

The last of the inspections reviewed were use inspections. The first use inspection reviewed was a non-agricultural use by (b) (6) located in (b) (6), South Dakota. An inspection report for (b) (6) was also reviewed for the 2016 end of year report. EPA appreciates the effort that SDDA has put in to improve the quality of their use inspection reports. A review of the information in the inspection forms show Cyzmic CS was applied according to labeled directions and has the full EPA registration number listed in the report. The second use inspection reviewed was an agricultural use inspection of (b) (6) located in (b) (6), South Dakota. The full registration number was listed, and applications were made at use rates and on target pests that are in compliance with the labeled directions. The third inspection reviewed was also an agricultural use inspection of (b) (6) located in (b) (6), South Dakota. The full registration number was listed, and applications were made at use rates and on target pests that are in compliance with the labeled directions. The Fourth use inspection reviewed was a non-agricultural use by (b) (6) of (b) (6) located in (b) (6), South Dakota. The full registration number was listed, and applications were made at use rates and on target pests that are in compliance with the labeled directions. The last inspection reviewed was an agricultural use inspection of (b) (6) located in (b) (6), South Dakota. The full registration number was listed, and applications were made at use rates and on target pests that are in compliance with the labeled directions. Again, EPA appreciates the effort that SDDA has put in to improve the quality of their use inspection reports.

### **Recommendations/Conclusions**

As a reminder, your FIFRA State grant requires at least one inspector to maintain federal credentials. It is a requirement for a credentialed inspector to maintain these credentials by conducting yearly refresher training. Directions were sent to all State Pesticide Managers in 2016 and again in 2017. Your program has been asked to send the refresher documentation to the Region 8 Credential Coordinator by the end of each calendar year. It is the inspector's responsibility to maintain all original copies of their training records.

Based on the review of the inspection reports provided by SDDA, EPA has the following suggestions that will assist SDDA improve the inspection reports and subsequent enforcement actions. EPA greatly appreciates and thanks SDDA for the recent improvements made by forwarding to EPA the producer establishment inspections for enforcement follow-up. Additionally, EPA suggests that more details should be included for all inspection. EPA believes the checklists are useful but are not meant to be the complete inspection report. EPA also suggests SDDA review their inspections procedures with all of their inspectors and case developers to assure that all relevant information collected is accurate and complete and supports the enforcement response taken by the South Dakota Department of Agriculture.